

REMARKS/ARGUMENTS

Claims 1, 3-5, and 7-12 remain in this application. Claims 22-29 were withdrawn from consideration by the Examiner as being directed to a non-elected invention. Consequently, claims 22 to 29 have been canceled without prejudice.

The Examiner has also rejected claims 1, 3-5 and 7-12 under 35 U.S.C. § 103(a) as being unpatentable over Kuebert et al. (U.S. Patent Publication No. 2002/0165729) in view of Myrick et al. (U.S. Patent Publication No. 2004/0133446). The Examiner's position is respectfully traversed.

The Examiner takes the position that Kuebert discloses "receiving at the mobile device a response to the notification from the recipient after a failed delivery, wherein the response to the notification is adapted to change the preferred redirection location to an alternative redirection location...". The Examiner cites the Abstract and Pars. 17, 29, 41 and 48 of Kuebert in support of this position.

Applicant respectfully submits Kuebert fails to teach "receiving at the mobile device a response to the notification from the recipient after a failed delivery, wherein the response to the notification is adapted to change the preferred redirection location to an alternative redirection location".

The Abstract and Par. 17 of Kuebert merely teach that the recipient, sender, or mailer may act alone or in combination with each other when changing the delivery point of the mail item. That is, they do not indicate how or when the delivery point may be changed.

Paragraphs 28 and 29 of Kuebert teach building "a secure, static database of information associated with each delivery point to which it delivers to [sic]" [emphasis added]. The static database may also contain other information such as "preapproved alternate delivery points, [...], anything of a 'permanent' nature about the recipient, as contrasted to the 'temporary' information about mail item 100" [emphasis added]. Kuebert teaches that this information is used to notify parties of fraudulent redirection

attempts. Clearly, a notification of a redirection attempt must be sent before delivery. More importantly, a response to such notification must also be received before attempted delivery so that the rightful recipient can prevent a fraudulent redirection. Accordingly, pars. 28 and 29 of Kuebert do not teach responding to a notification after a failed delivery, where the response changes the delivery location (as recited in claim 1). In fact, pars. 28 and 29 of Kuebert teach away from the above limitation by focusing on preventing fraudulent redirections, which inherently requires that the notice of an upcoming delivery and the response to the notice be received prior to any delivery attempt.

Paragraph 41 of Kuebert teaches that the recipient may be notified as the mail item progresses along the delivery route. Paragraph 41 also teaches that the recipient may be notified of a failed delivery. However, Paragraph 41 does not teach that the recipient may respond to such notification of failed delivery in any manner, much less by changing the delivery location (as recited in claim 1).

Paragraphs 47 and 48 of Kuebert refer to process steps 230 and 235 in Figure 2 and disclose that the recipient may specify a new delivery point, but do not indicate that the preferred delivery point may be changed after a delivery attempt. In other words, Kuebert again does not teach "receiving a response to the notification from the recipient after a failed delivery, wherein the response to notification is adapted to change the preferred redirection location to an alternative redirection location".

For completeness, Applicant further notes that, at paragraphs 49 and 54 (which the Examiner has not cited), Kuebert teaches delivering a mail item to an alternate address in the event that it is undeliverable. However, in both cases only the sender of the message may specify a new delivery point. This is consistent with the approach taught by Kuebert of preventing fraudulent redirection of mail (see, for example, paragraph 29). In other words, Kuebert does not disclose "receiving a response to a notification from the recipient after a failed delivery, wherein the response to the notification is adapted to change the redirection location to an alternate redirection location".

Although the Examiner has not cited Myrick for teaching the above limitation, the Applicant will now discuss the teaching of Myrick in relation to this limitation in an effort to expedite prosecution of this application.

In general, Myrick teaches a method which allows package recipients to designate one or more alternative delivery locations (referred to as "ADL" in Myrick), which are staffed locations where the package may be retrieved by the recipient.

The third embodiment taught by Myrick is the most relevant to the present application. This third embodiment is discussed by Myrick at par. 14, 59 and Figure 7. At pars. 14 and 59, Myrick teaches that, in the event of a failed delivery, the carrier leaves a notification at the delivery address informing the recipient of the attempted delivery. Myrick also teaches giving the recipient the option to respond to the notification of failed delivery by instructing the carrier to deliver the package to the ADL instead of attempting to redeliver the package to the same delivery address.

Applicant respectfully submits that the "delivery address" of Myrick is equivalent to the primary location recited in claim 1. It is the location first selected by the recipient when purchasing the package contents. The "ADL" taught by Myrick is equivalent to the preferred redirection location recited in claim 1. In other words, the ADL is an alternative delivery location provided by the recipient before the first delivery attempt of the parcel.

Applicant respectfully submits that Myrick does not teach that the recipient's response to the notification of failed delivery can "change the preferred redirection location to an alternative redirection location provided after the failed delivery" (recited in claim 1 as amended).

The alternative redirection location of claim 1 is distinguishable from the ADL taught by Myrick because it is provided by the recipient after the failed delivery. Claim 1 has been amended to more clearly highlight this point.

In contrast, the ADL taught by Myrick is provided prior to the attempted delivery (either at the time of purchase, or at the time recipient enrolls in ADL service). This point is confirmed in a number of passages in Myrick, such as at Par. 8:

Prior to the product being shipped, a Buyer communicates with the ADL solution provider (ADL SP) to register for ADL delivery services. This communication is preferably performed via the Internet on the solution provider's website. The customer selects the most convenient ADL address from a list of approved ADLs. [emphasis added]

and at Par. 13:

Upon completion of an ADL order, the shipper would then enter or upload the package information into the ATS including ADL address, and customer contact information. This step is preferably automated, but can be performed manually. [emphasis added]

and at Par. 37:

Sometime after enrollment in the ADL program, Buyer makes a purchase at step 203. This purchase is preferably made online via the Internet, but it can also be made via phone-in order, mail order catalog, or in a retail store. Any transaction that requires that a product be shipped to a recipient is within the scope of the invention. Buyer gives the Seller the address of the chosen ADL. [emphasis added]

and finally at Par. 46:

At the time the purchase decision is made, the Seller offers the Buyer the choice of having the package shipped to an ADL.

This difference between the alternative redirection location of claim 1 and the ADL taught by Myrick provides an important advantage for the claimed invention. Specifically, the claimed method allows the recipient to provide a completely new delivery location 'on the fly' after being notified of a failed delivery attempt.

In contrast, Myrick suffers from the same disadvantage the present invention overcomes by only offering the recipient the ability to deliver the package to locations selected prior to the failed delivery attempt (i.e. the "delivery address" or the "ADL" referred to in par. 59 of Myrick)

In conclusion, Kuebert does not disclose "receiving ... a response to the notification from the recipient after a failed delivery, wherein the response to the

notification is adapted to change the redirection location to an alternative redirection location". Neither Kuebert nor Myrick disclose a response to the notification of a failed delivery which changes the delivery location from "the preferred redirection location to an alternative redirection location provided after the failed delivery".

In light of the above, the Applicant respectfully submits that Kuebert and Myrick, alone or in combination, do not teach every limitation recited in claim 1. Because the remaining claims depend from allowable base claims, the Applicant respectfully submits that the remaining claims are also allowable.

Applicant requests that timely notice of allowance be issued in the case.

Respectfully submitted,

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